

JUL 29 1998

BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

Federal Communications Commission
Office of Secretary

In Re Applications of)
)
LIBERTY CABLE CO., INC.)
)
For Private Operational Fixed) WT DOCKET NO. 96-41
Microwave Service Authorizations and)
Modifications)
)
New York, New York)

To: The Commission

**TIME WARNER CABLE OF NEW YORK CITY AND PARAGON
COMMUNICATIONS' MOTION FOR EXTENSION OF TIME**

Pursuant to Federal Communications Commission ("FCC" or "Commission") Rule 1.46, 47 C.F.R. § 1.46, Time Warner Cable of New York City and Paragon Communications ("TWCNYC") hereby respectfully move for an extension of time to respond to the Motion to Strike ("Liberty's Motion") filed by Liberty Cable Co., Inc. ("Liberty")¹ on July 24, 1998. Under the Commission's Rules, any opposition to Liberty's Motion would be due on August 3, 1998. See 47 C.F.R. § 1.45. However, due to circumstances beyond TWCNYC's control, TWCNYC requests that it be granted an extra week, until August 10, 1998 to respond to Liberty's Motion.

Liberty served its Motion on TWCNYC via hand delivery late in the day on Friday, July 24, 1998. On Monday, July 27 and Tuesday, July 28, Mr. Beckner, lead counsel for TWCNYC in this proceeding, was out of the office on jury duty. Mr. Beckner's associate -- who

¹TWCNYC is aware that Liberty Cable Co., Inc. is now known as "Bartholdi Cable Company, Inc." following the sale of most of the former Liberty's assets (including its name) to a subsidiary of RCN Corporation. However, for clarity, the applicant for the licenses at issue in this proceeding will be referred to by its former name, "Liberty."

participated with Mr. Beckner in the entire hearing proceeding in this case -- is out of the office the entire week of July 27, and will not return until August 3.

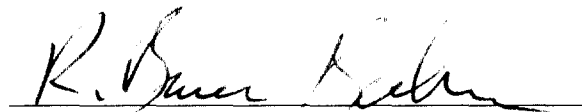
Mr. Beckner attempted to reach Ms. Power of the FCC's Wireless Telecommunications Bureau ("Bureau") on Monday, July 27, but was informed that she is on vacation until Monday, August 3, the day any opposition to Liberty's Motion is due. Joseph Weber having left the Commission's employment, Ms. Power is the lead attorney for the Bureau in this proceeding. Mr. Beckner was also informed that Mr. Keam, the junior attorney on the team representing the Bureau in this proceeding, has also left the Commission for other employment. Mr. Beckner has attempted without success to reach Mr. Schonman, whose name appears on the Bureau's pleading that Liberty now seeks to strike from the record. In short, there seems to be no one available at the Bureau who is familiar with the details of this proceeding until August 3, when Ms. Power returns.

Because TWCNYC and the Bureau agree that the Commission should affirm the Administrative Law Judge's Initial Decision in all respects, TWCNYC's counsel would like to be able to discuss its response to Liberty's Motion with the Bureau before TWCNYC files an opposition thereto. It appears that no such discussion can take place until August 3, when Ms. Power returns to the office. Moreover, the Motion itself consists of some 22 pages together with a six-page exhibit consisting of charts, on 14 inch paper, that purports to set forth the position of the Wireless Bureau on various questions in the case.

Due to the short time permitted by the Commission's Rules to respond to Liberty's Motion (10 days), and to the unforeseen circumstances of jury duty and summer vacations that were already underway when Liberty filed its Motion, TWCNYC requests that the Commission

grant it a one-week extension of time, so that it's counsel can confer with the Bureau and file a considered response to Liberty's Motion on August 10, 1998. In accordance with Commission Rule 1.46(c), 47 C.F.R. § 1.46(c), counsel for TWCNYC has notified Liberty's counsel that it would be filing this motion less than seven days prior to August 3, 1998 -- the original deadline for filing an opposition to Liberty's Motion. Liberty's counsel have consented to the requested extension. As explained *supra*, TWCNYC has attempted to reach someone at the Bureau regarding the filing of this Motion for an Extension of Time, but has been unable to do so.

Respectfully submitted,



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Dated: July 29, 1998

CERTIFICATE OF SERVICE

I, R. Bruce Beckner, hereby certify that a copy of the foregoing Time Warner Cable of New York City and Paragon Communications' Motion for an Extension of Time was served, via facsimile or hand delivery, this 29th day of July, 1998, upon the following:

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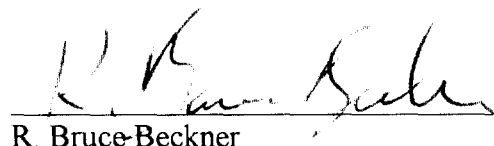
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